

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN KOE,)	
)	CASE NO. 1:22 CV 01455
Plaintiff,)	
)	JUDGE DAN AARON POLSTER
vs.)	
)	<u>ORDER</u>
UNIVERSITY HOSPITALS HEALTH)	
SYSTEM, INC., et al.,)	
)	
Defendants.)	

Pro se plaintiff John Koe filed a motion to alter or amend judgment and for reconsideration of the Court's October 11, 2022 Order granting Defendants' motion for a protective order and the Court's October 13, 2022 Order dismissing Plaintiff's action (Doc. No. 9).

The purpose of a motion to alter or amend judgment is to request reconsideration of matters "properly encompassed in a decision on the merits." *See Osterneck v. Ernst & Whinney*, 489 U.S. 169, 174, 109 S. Ct. 987, 103 L. Ed. 2d 146 (1989). "It is not the function of a motion to reconsider either to renew arguments already considered and rejected by a court or 'to proffer a new legal theory or new evidence to support a prior argument when the legal theory or argument could, with due diligence, have been discovered and offered during the initial consideration of the issue.'" *McConocha v. Blue Cross and Blue Shield Mut. of Ohio*, 930 F.

Supp. 1182, 1184 (N.D. Ohio 1996) (quoting *In re August, 1993 Regular Grand Jury*, 854 F. Supp. 1403, 1408 (S.D. Ind. 1994)). A motion to alter or amend a judgment may be granted only if there has been: (1) a clear error of law; (2) an intervening change in the law; (3) newly discovered evidence; or (4) a showing of manifest injustice. *Jones v. Gobbs*, 21 Fed. App'x 322, 323 (6th Cir. 2001) (citing *GenCorp, Inc. v. American Int'l Underwriters*, 178 F.3d 804, 832 (6th Cir. 1999)).

Here, Plaintiff's motion fails to demonstrate any of the above circumstances that would warrant altering the Court's judgment granting the protective order or dismissing his complaint. Accordingly, Plaintiff's motion (Doc. No. 9) is denied.

The Court finds, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.


11/10/2022
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE